

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re: FAIRFIELD SENTRY LIMITED, et al., Debtor in Foreign Proceedings.	Chapter 15 Case Case No. 10-13164 (CGM) Jointly Administered
FAIRFIELD SENTRY LTD. (IN LIQUIDATION), et al., Plaintiffs, v. THEODOOR GGC AMSTERDAM, et al., Defendants.	Adv. Pro. No. 10-03496 (CGM) Administratively Consolidated
FAIRFIELD SENTRY LTD. (IN LIQUIDATION), et al., Plaintiffs, v. ABN AMRO SCHWEIZ AG, et al., Defendants.	Adv. Pro. No. 10-03635 (CGM)
FAIRFIELD SENTRY LTD. (IN LIQUIDATION), et al., Plaintiffs, v. ABN AMRO SCHWEIZ AG, et al., Defendants.	Adv. Pro. No. 10-03636 (CGM)

**AMENDED ORDER REGARDING CONSOLIDATION OF CERTAIN U.S. REDEEMER
ACTIONS PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 7042**

WHEREAS, on November 17, 2010, the former presiding judge of the administratively consolidated adversary proceedings captioned above (the “U.S. Redeemer Actions”), Judge Burton R. Lifland, entered an order authorizing “consolidat[ion] [of the U.S. Redeemer Actions] for pre-trial and discovery purposes” (Dkt. 25 ¶ 2) (“Consolidation Order”);

WHEREAS, on September 15, 2021, this Court instructed the parties to meet and confer about whether the Consolidation Order should be modified;

WHEREAS, there are currently 18 live U.S. Redeemer Actions in which a claim asserted by the Liquidators¹ remains pending before the Court;

WHEREAS, two of the live U.S. Redeemer Actions (Adversary Proceeding Nos. 10-ap-03635 and 10-ap-03636) name beneficial shareholders of entities associated with Citco Group Limited and its affiliates as Defendants (the “Citco Brokerage Customer Actions”);

WHEREAS, on September 21, 2021, and October 8, 2021, the Liquidators and the Defendants met and conferred on the issue of consolidation;

IT IS NOW, THEREFORE, HEREBY ORDERED, that:

1. The Consolidation Order, as applicable to the Citco Brokerage Customer Actions, Nos. 10-ap-03635 and 10-ap-03636, is hereby vacated and replaced in those U.S. Redeemer Actions by the provisions of this Order.

¹ “Liquidators” are Kenneth Krys and Greig Mitchell (or their predecessors) as Liquidators and Foreign Representatives of all three funds—Fairfield Sentry Limited (In Liquidation), Fairfield Sigma Limited (In Liquidation), and Fairfield Lambda Limited (In Liquidation).

2. The Citco Brokerage Customer Actions, Nos. 10-ap-03635 and 10-ap-03636 (together, the “Case”), are hereby consolidated with one another for pre-trial and discovery purposes.

3. For clarity and the avoidance of doubt, all pleadings, papers, and discovery materials (including without limitations subpoenas and other non-party discovery materials) served or produced in connection with the Case shall be served upon or produced to all Parties that have appeared in the Case.

4. For clarity and the avoidance of doubt, all further pleadings and other papers are to be filed in, and all further docket entries are to be made under, AP Nos. 10-ap-03635 and 10-ap-03636, respectively.

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5. In each of the above-captioned adversary proceedings, a docket entry shall be entered substantially as follows:

An Order has been entered in this Proceeding consolidating AP Nos. 10-ap-03635 and 10-ap-03636; the docket for Fairfield Sentry Limited et al. v. Theodoor GGC Amsterdam et al., AP No. 10-03496, should be consulted for all documents filed prior to the date of this entry. All further pleadings and other papers are to be filed in, and all further docket entries are to be made under, AP Nos. 10-ap-03635 and 10-ap-03636, respectively.